

Town of North Andover Board of Health

Rules And Regulations Governing The Practice Of Massage And The Conduct Of Establishments For The Giving Of Massage, Vapor, Pool, Shower, Or Other Baths, In The Town Of North Andover

The following rules and regulations were adopted at a meeting of the Board of Health held on January 25, 1990 under the authority of Section 31 of Chapter 111, and Sections 51 and 53 of Chapter 140 of the General Laws of the Commonwealth of Massachusetts.

1. LICENSE REQUIRED AND FEE: No person shall practice massage or conduct an establishment for the giving of massage or vapor, pool, shower, or other baths for hire or reward, or advertise or hold out as being engaged in the business of massage or the giving of said baths without receiving a license therefore from the Board of Health. The license fee for each establishment and one masseur/masseuse shall be as shown on the current Permit Schedule.

A license issued to an establishment, masseur or masseuse is not transferable.

Application for license renewal must be accompanied by a check at least ten (10) days prior to the expiration date.

2. DEFINITIONS: For the purpose of these regulations:
 - A. MASSAGE: Shall mean manipulation or conditioning of part or parts of the body by manual, mechanical, or other means as a beauty treatment, for purported health or medical treatment, or for other purposes of invigoration.
 - B. ESTABLISHMENT FOR GIVING MASSAGE, VAPOR, POOL, SHOWER, OR OTHER BATHS: Shall mean the office, place of business, or premises where massage is practiced or where therapeutic or conditioning baths of water, vapor, or other substances are given.
 - C. APPROVED: Shall mean approved by the Board of Health in accordance with accepted standards.
 - D. APPROVED COURSE OF MASSAGE: Shall mean a course on the art and science of massage which included both theory and practice and is approved by the Board of Health in accordance with accepted standards.
 - E. MASSEUR: Shall mean a male who practices massage;
MASSEUSE: Shall mean a female who practices massage.

3. EXCEPTIONS AND EXCLUSIONS: For the purpose of these regulations:
 - A. PERSONS EXCEPTED: Shall include physicians, registered nurses, licensed practical nurses, physical therapists, school athletic trainers, registered chiropractors, and registered chiropodists.
 - B. OTHER PERSONS EXCEPTED: A person licensed to practice massage or conduct an establishment in any other city or town in the Commonwealth may, on written orders of a physician, attend patients specified by the physician. He shall, if requested, submit to the Board of Health copies of his license from another community and the physician's orders.
 - C. ESTABLISHMENT EXCEPTIONS: Hospitals, nursing and other convalescent homes and other similar licensed institutions where massage and baths may be given are excluded from the definition of an establishment.
4. EXPIRATION DATE OF A LICENSE: Licenses shall automatically expire on December 31 of each year. Applications for renewal must be submitted at least ten (10) days prior to the expiration date.
5. REQUIREMENTS FOR PERSONAL LICENSING: No person shall be licensed to practice massage or conduct an establishment for giving massage, vapor, pool, shower, or other baths unless they (male or female) meet the following requirements:
 - A. Be twenty-one (21) years of age or older.
 - B. Be of good moral and ethical character.
 - C. Submit to the Board of Health a completed application form containing all information requested by said form.
 - D. Be a high school graduate.
 - E. Have completed an approved course of massage or have had at least four (4) years experience in an approved massage establishment, or have previously been licensed to practice massage in North Andover.
 - F. Have had a physical examination, including a chest x-ray within forty-five (45) days prior to application for licensing or re-licensing. Written documentation of such examinations and results of same shall be filed by the applicant with the Board of Health.
6. REQUIREMENT FOR LICENSING OF AN ESTABLISHMENT:

Every establishment for the giving of massage, vapor, pool, shower, or other baths shall meet the following standards:

 - A. Every establishment must be located in an area appropriately zoned for such an establishment, or must obtain a special permit or variance from the Zoning Board of Appeals. Under no condition shall an establishment be located in a residential dwelling.

- B. It shall be well-lighted, well-ventilated and properly heated when seasonally indicated.
 - C. No room used by the licensee in the conduct of his/her business shall be used as a bedroom.
 - D. There shall be an adequate supply of hot and cold running water within the premises at all times.
 - E. There shall be approved toilet and washing facilities within the premises, readily available to the patrons and affording sufficient privacy.
 - F. Where patrons of both sexes are accommodated, adequate arrangements shall be made for separation of room, toilets and washing facilities used by each sex.
 - G. All rooms of the establishment and furniture and equipment therein shall be kept clean at all times.
 - H. Each room or enclosure used for the giving of massage services shall have at least one artificial light or not less than eighty (80) watts.
 - I. There shall be installed a heat and smoke detecting system approved by the Chief of the Fire Department.
 - J. There shall be adequate facilities for the cleaning and sterilizing of all equipment.
 - K. All rooms used for reception and treatment of patrons shall be arranged so as to afford adequate fire protection and shall have satisfactory means of egress in case of fire as approved by the Building Inspector and Fire Chief.
 - L. All equipment, instruments, devices, robes, sheets, blankets, pillowcases, wearing apparel, towels or other materials which may come in direct contact with the body shall be properly cleaned and sterilized.
 - M. The license permitting a massage establishment does not cover or allow the performance of colon irrigation/colonic hydrotherapy or other like practices. These practices were prohibited in massage establishments in North Andover by the vote of the Board of Health on May 24, 2001.
7. DRESS CODE: All individuals who are engaged in the practice of massage shall be properly clothed within the bounds of decency and propriety. Abbreviated or revealing attire of any kind is prohibited. The Board of Health, its agents or members of the Police Department shall be deemed qualified to make a judgement in regard to what constitutes proper clothing or attire.
8. DIRECT APPLICATION OF INSTRUMENTS TO SKIN PROHIBITED: No instruments or device designed or used for direct application to the skin shall be applied directly to the skin unless sterilized; the part of the body being treated shall be covered in a similar manner.

9. TREATMENT OF WOUNDS PROHIBITED: No sponge, stick, alum or other article liable to convey infection shall be used to make application directly to the skin of any cut or wound.
10. TREATMENT OF PERSONS WITH SKIN DISEASE PROHIBITED: No person licensed shall treat any person afflicted with any skin eruption or other disease unless such person shall have furnished a written certificate from a physician to the effect that the eruption or disease is not a contagious or transmissible character.
11. CLEANING OF HANDS: Every person licensed to practice massage shall thoroughly cleanse his hands by washing with soap and hot water immediately before serving a patron.
12. WORKING HOURS: No establishment for the practice of massage or baths as defined herein shall be kept open between the hours of 9:00 P.M. and 7:00 A.M. unless specifically authorized by the Board of Health in writing.
13. DISPLAY OF LICENSE: Every licensed establishment must display in a conspicuous location the licenses of all the licensees operating in the establishment.
14. DESIGNATION OF NAME: No licensed person shall operate under any name or conduct his business under any designation not specified in his license.
15. USE OF X-RAY PROHIBITED: No licenses may operate an x-ray, fluoroscope or similar equipment or radioactive material for any purpose unless already licensed by the Commonwealth of Massachusetts to practice a profession requiring the use of such equipment.
16. RESTRICTION ON FORM OF MASSAGE OR BATH: A license may be limited in the form of massage or type of bath given at the discretion of the Board of Health.
 - *A. No male masseurs shall practice massage on female patrons or give or assist in giving any type of baths to persons of the opposite sex.
 - *B. No female masseuses shall practice massage on male patrons or give or assist in giving any type of baths to persons of the opposite sex.
17. CHANGE OF ADDRESS: Every licensee shall notify the Board of Health prior to any change of address, home or business or name. Any new license or amendment to an existing license, required because of the foregoing may be issued without charge at the discretion of the Board of Health.

18. INSPECTIONS: Every licensee shall permit the Board of Health or its agents or other Town authorities acting in an official capacity to inspect his place of business and his work at any reasonable time.
19. HEARING IN CASE OF SUSPENSION OR REVOCATION OF LICENSE: A person whose license has been suspended or revoked, may within ten (10) days of the suspension or revocation of his license request in writing a hearing upon the cause or causes of such suspension or revocation. The Board of Health may set a time and place for said hearing.
20. WAIVERS: The Board of Health may waive any of the requirements of this regulation except those relating to life, safety, or zoning.
21. PENALTIES: Whomever violates any provision of these rules or regulations shall be punished by a fine of not more than one hundred (\$100.00) dollars or imprisonment for not more than six (6) months or both in accordance with Section 53, Chapter 140 of the General Laws.
22. INVALIDATION: If any section, paragraph, sentence, clause or phrase of these rules and regulations shall be decided invalid for any reason whatsoever, such decision shall not affect the remaining portions of these regulations, which shall remain in full force and effect; and to this end the provisions of these regulations are hereby declared severable.

These rules and regulations shall not apply to a person or persons engaged in any of the practices described above who have actively conducted similar practices in the Town of North Andover one-year prior to the adoption of these rules and regulations.

On September 29, 1994, the Board of Health voted unanimously to waive the requirements for Section #16 (A &B) until further notice.

These regulations were amended on September 27, 2001 by adding section 6M.

Gayton Osgood, Chairman

Francis MacMillan, M.D., Member

John Rizza, D.M.D., Member